

Exhibit 3

Wednesday, August 21, 2024 at 09:50:01 Central Daylight Time

Subject: Re: Couvillion: Depositions, Discovery, Etc.
Date: Friday, August 2, 2024 at 7:39:05 PM Central Daylight Time
From: Jeb Golinkin
To: Schwank, Daniel
CC: Denny, Danica, Michael Cancienne, Eason, Suzanne
Attachments: image001.jpg, image002.png, image003.png

Daniel,

I'm not sure what to do with this email. It's completely unhinged and wildly unprofessional. Are you serious sending this at 7pm on a Friday? Travel plans have been made. Nigel is going to be in Houston. If you choose not to go forward with the deposition because you are pitching a fit about documents you have not even properly requested, we probably will not present him again unless you cover costs and even then I have no idea when I am going to be able to get him back to Houston.

I like you and I think you are going to be an excellent lawyer, but this is very disappointing stuff. I suggest you take a deep breath and think about what's going to get this case moving. Also, to be clear, I was prepared to give you more time as a professional courtesy even though we satisfied our burden on the 30(b)(6) topics and I still am, but I never offered you a second day and your lack of flexibility given my attempts to compromise are extremely disappointing.

I'm trying to get it moving forward. I hope you will reconsider do the same.

Jeb

Jeb Golinkin
832-250-6567
jgolinkin@jlcfirm.com

Sent from my iPhone

On Aug 2, 2024, at 6:55 PM, Schwank, Daniel <DSchwank@frilot.com> wrote:

Michael and Jeb,

Please see the attached notice.

<image001.jpg>

Daniel E. Schwank (he/him)
1100 Poydras Street, Suite 3700
New Orleans, LA 70163
504.599.8247 office
504.599.8137 fax

From: Jeb Golinkin <jgolinkin@jlcfirm.com>
Sent: Friday, August 2, 2024 3:15 PM
To: Schwank, Daniel <DSchwank@frilot.com>; Denny, Danica <DDenny@frilot.com>
Cc: Michael Cancienne <mcancienne@jlcfirm.com>; Eason, Suzanne <Season@frilot.com>
Subject: RE: Couvillion: Depositions, Discovery, Etc.



FriLOT L.L.C.
1100 Poydras Street, Suite 3700
New Orleans, Louisiana 70163
Phone: 504.599.8000
Facsimile: 504.599.8100
www.friLOT.com

Daniel E. Schwank
dschwank@friLOT.com
504.599.8247 direct dial
504.599.8137 direct fax

August 2, 2024

igolinkin@jlcfirm.com

Joseph W. Golinkin II
Jordan & Cancienne PLLC
1980 Post Oak Blvd., Suite 2300
Houston, Texas 77056

Re: ***Couvillion Group, LLC v. White Marlin Operating Company, LLC et al***
United States District Court for the Southern District of Houston Division
Civil Action No: 4-22-cv-00908

Dear Mr. Golinkin:

Due to Defendants' ongoing failure to comply with the Federal Rules of Civil Procedure, their continued attempts to obstruct discovery, and their blatant disregard for the Court's February 6, 2024 Order, **Couvillion Group, LLC is forced to cancel the deposition of Nigel Solida, which was scheduled to occur on August 6, 2024 in Houston, Texas.** In addition, Couvillion will be filing a Motion for Sanctions against Defendants requesting they be held in contempt and a default judgment entered against them.

Since the inception of discovery, the White Marlin Defendants have intentionally obstructed the discovery process. Defendants have repeatedly failed to timely answer discovery, without attempting to secure an extension. In direct violation of Judge Edison's Order to respond to Couvillion's Interrogatories and Requests for Production of Documents by February 20, 2024, Defendants failed to produce the documents and information sought by the Court's deadline. As a result, undersigned counsel continued to send numerous and repeated requests for the same, without response.

On May 22, 2024, during the corporate depositions of White Marlin Operation Company, LLC, Agua Tranquillo Midstream LLC, and Talco Petroleum, LLC, Defendants' corporate representative stated he was unprepared and unable to testify regarding several critical areas of inquiry contained in the Notice of Depositions. While Defendants utterly failed to produce a competent witness as required by the Federal Rules of Civil Procedure, the testimony of Defendants' corporate representative revealed that Defendants did not produce several critical

FRILOT LLC

Notice of Cancellation and Motion for Sanctions
August 2, 2024
Page 2

intercompany agreements first requested by Couvillion in September, 2023, and which the Court ordered Defendants produce in February, 2024. During the depositions, Couvillion called for the immediate production of these agreements. Following the depositions, Couvillion continued to request these agreements for over two months. Again, Couvillion's requests were ignored.

Today, Couvillion was informed that Defendants would not produce these agreements until the day before the deposition of the Defendants' president, Nigel Solida. Defendants also now seek to place impermissible restrictions on Couvillion's right to complete the Defendants' corporate depositions.

Defendants' gamesmanship and gross disregard for the law must end. **Accordingly, Couvillion is scheduling a discovery conference for 9am on August 6th, 2024.** In addition, Defendants' conduct is in clear violation of the Court's Order. Accordingly, Couvillion will be filing a Motion for Sanctions pursuant to FRCP 37. Couvillion will request that Defendants be held in contempt, that a default judgment be entered against them, and that Couvillion be awarded costs and attorney's fees as a result of the same.

Sincerely,



Daniel E. Schwank

There will be no deposition of any kind on Wednesday. Mr. Solida is bringing hard copies of the documents on Monday. I will scan them and send them over the minute I get my hands on them.

--

Joseph ("Jeb") W. Golinkin II

Partner|Jordan, Lynch & Cancienne PLLC

(o) 713-955-4019 | (c) 832-250-6567

1980 Post Oak Blvd., Suite 2300 Houston, Texas 77056

www.jlcfirm.com | [Attorney Biography](#)

<image002.png>

From: Schwank, Daniel <DSchwank@frilot.com>

Sent: Friday, August 2, 2024 3:12 PM

To: Jeb Golinkin <jgolinkin@jlcfirm.com>; Denny, Danica <DDenny@frilot.com>

Cc: Michael Cancienne <mcancienne@jlcfirm.com>; Eason, Suzanne <Season@frilot.com>

Subject: RE: Couvillion: Depositions, Discovery, Etc.

Jeb,

Please send us all other agreements between the Defendants by today. Mr. Watson testified that there was an operating agreement between the defendants. The agreement you sent yesterday was a promissory note. We need these operating agreements, and any other intercompany agreements, to proceed with depositions next week. The Court ordered these be produced several months ago.

In addition, please advise as to whether Defendants will be proceeding with their corporate depositions on Wednesday, or provide us with an alternative date.

Best,
Daniel

<image001.jpg>

Daniel E. Schwank (he/him)

1100 Poydras Street, Suite 3700

New Orleans, LA 70163

504.599.8247 office

504.599.8137 fax

From: Schwank, Daniel

Sent: Thursday, August 1, 2024 2:31 PM

To: 'Jeb Golinkin' <jgolinkin@jlcfirm.com>; Denny, Danica <DDenny@frilot.com>

Cc: Michael Cancienne <mcancienne@jlcfirm.com>; Eason, Suzanne <SEason@frilot.com>

Subject: RE: Couvillion: Depositions, Discovery, Etc.

Hi Jeb,

It will be impossible to complete the fact deposition of Nigel and finish three corporate depositions, all in one day. Watson was unprepared and unable to testify as to the majority of topics on the Defendants' deposition notice. As stated below,

Defendants will also need to designate a separate witness to testify regarding the Defendants' accounting practices and history of intercompany transfers, if Nigel is unable to do so. Let's be clear: we would not need to resume the corporate depositions if Defendants had not failed to properly designate reps in the first place.

If Defendants are unable to offer corporate reps on August 7th, then please provide us with an alternative date. We need to finalize these corporate depositions before the end of August.

Thanks,
Daniel

<image001.jpg>

Daniel E. Schwank (he/him)
1100 Poydras Street, Suite 3700
New Orleans, LA 70163
504.599.8247 office
504.599.8137 fax

From: Jeb Golinkin <jgolinkin@jlcfirm.com>
Sent: Thursday, August 1, 2024 12:05 PM
To: Schwank, Daniel <DSchwank@frilot.com>; Denny, Danica <DDenny@frilot.com>
Cc: Michael Cancienne <mcancienne@jlcfirm.com>; Eason, Suzanne <Season@frilot.com>
Subject: RE: Couvillion: Depositions, Discovery, Etc.

Daniel,

Sorry, we are only presenting Nigel on the 6th, and he needs to be done by 6:30. If you are wanting him to formally testify as a 30(b)(6) witness on topics you feel were not adequately covered, you are welcome to use some time during the 6th to do that. That said, I'd suggest that you simply ask Nigel to speak based on his personal knowledge first and see if he answers your questions, as you did a nice job establishing that he is the person most qualified to speak to certain topics during your 30(b)(6) depositions. If you don't get the information you "need" from Nigel in his individual capacity, you can always try your hand with the Court later on the corporate rep topics.

On documents, I'll get you bates stamped versions of these later, but want you to have these now. I also may have some more documents for you later today (I have the client double checking).

-Jeb

--

Joseph ("Jeb") W. Golinkin II
Partner/Jordan, Lynch & Cancienne PLLC
(o) 713-955-4019 | (c) 832-250-6567
1980 Post Oak Blvd., Suite 2300 Houston, Texas 77056
www.jlcfirm.com | [Attorney Biography](#)
<image002.png>

From: Schwank, Daniel <DSchwank@frilot.com>

Sent: Wednesday, July 31, 2024 3:24 PM

To: Jeb Golinkin <jgolinkin@jlcfirm.com>; Denny, Danica <DDenny@frilot.com>

Cc: Michael Cancienne <mcancienne@jlcfirm.com>; Eason, Suzanne <Season@frilot.com>

Subject: RE: Couvillion: Depositions, Discovery, Etc.

Jeb,

I can come to Houston and take Nigel's fact deposition on August 6th, and finalize the three corporate depositions on August 7th.

We are working on the motion for leave to re-add Torrent and Nigel, the basis for which is stated in Couvillion's Second Verified Amended Complaint.

I'll get dates for Couvillion's corporate depo. Will be after Mitch and Jason's at the end of August.

Thanks,

<image001.jpg>

Daniel E. Schwank (he/him)
1100 Poydras Street, Suite 3700
New Orleans, LA 70163
504.599.8247 office
504.599.8137 fax

From: Jeb Golinkin <jgolinkin@jlcfirm.com>

Sent: Monday, July 22, 2024 7:49 PM

To: Schwank, Daniel <DSchwank@frilot.com>; Denny, Danica <DDenny@frilot.com>

Cc: Michael Cancienne <mcancienne@jlcfirm.com>; Eason, Suzanne <Season@frilot.com>

Subject: RE: Couvillion: Depositions, Discovery, Etc.

Daniel,

We can present Nigel Solida at our office in Houston on August 6 or 7. Please let me know whether these will work.

On your fact witnesses, I can take Mitch D's deposition on August 27 and will take Jason Holvey on the 28th. I assume you are still working on the 30(b)(6) timing?

Finally, **we oppose your Motion for Leave to Amend**, at least until you provide more information about what and who you are adding and why. The status report you reference does not reflect any agreement that we would not oppose Couvillion's motions for leave to amend its complaint going forward. It was a one time agreement, and we did not oppose that motion. This, however, is an entirely different motion, as surely you know.

Thanks,

Jeb

--

Joseph (“Jeb”) W. Golinkin II

Partner/Jordan, Lynch & Cancienne PLLC

(o) 713-955-4019 | (c) 832-250-6567

1980 Post Oak Blvd., Suite 2300 Houston, Texas 77056

www.jlcfirm.com | [Attorney Biography](#)

<image002.png>

From: Schwank, Daniel <DSchwank@frilot.com>

Sent: Monday, July 22, 2024 10:04 AM

To: Jeb Golinkin <jgolinkin@jlcfirm.com>; Denny, Danica <DDenny@frilot.com>

Cc: Michael Cancienne <mcancienne@jlcfirm.com>; Eason, Suzanne <Season@frilot.com>

Subject: RE: Couvillion: Depositions, Discovery, Etc.

Jeb,

We have yet to receive your clients' availability for the depositions requested below, in addition to the supplemental document production. Please advise.

We can also confirm that Jason Holvey will be made available on either August 27th or August 28th, again subject to the completion of Defendants' corporate depositions.

Thanks,
Daniel

<image001.jpg>

Daniel E. Schwank (he/him)

1100 Poydras Street, Suite 3700

New Orleans, LA 70163

504.599.8247 office

504.599.8137 fax

From: Schwank, Daniel

Sent: Friday, July 12, 2024 3:31 PM

To: Jeb Golinkin <jgolinkin@jlcfirm.com>; Denny, Danica <DDenny@frilot.com>

Cc: Michael Cancienne <mcancienne@jlcfirm.com>; Eason, Suzanne <SEason@frilot.com>

Subject: RE: Couvillion: Depositions, Discovery, Etc.

Hi Jeb,

As Mr. Watson was not prepared and unable to testify regarding numerous areas of inquiry listed in Couvillion's notices of corporate deposition, please provide us with Defendants' availability to resume these corporate depositions in late July/early August. Based on the testimony provided by Mr. Watson, Nigel Solida is the individual best situated to testify regarding several topics, including Defendants' corporate structure, corporate formation, and intercompany agreements. Mr. Watson was also unable to testify regarding Defendants' accounting practices between 2021 and the present day, in addition to Defendants' intercompany transfers. Please ensure that Defendants appoint a representative(s)

to discuss all areas of examination listed on the Notice for which Mr. Watson admitted he was unable to discuss.

Subject to completion of the Defendants' corporate depositions, we can present Mitch Dautreuil on August 27th or August 28th. We will present Mr. Dautreuil at our office here in New Orleans, or via zoom. We are still waiting for confirmation on Mr. Holvey's availability.

In addition, we have also yet to receive the Operating Agreement between White Marlin and Encinal/Talco/Aqua which Richard Watson testified about at length during his deposition. During White Marlin's corporate deposition, Mr. Watson explained "[t]he Talco Petroleum account is the White Marlin Operating Company account. That's what it was there for and designated for. And the general ledger would take in any types of work, including like this, through contract operating agreements." In addition, Mr. Watson testified that White Marlin was only entitled to the funds from the escrow agreement between Southcross and Encinal based upon the operating agreement between Encinal/Aqua and White Marlin. He testified further that Nigel Solida likely signed this agreement on behalf of **both** Encinal/Aqua and White Marlin, as Mr. Solida is the sole owner of these companies.

Couvillion Group requested all intercompany agreements in Requests for Production of Documents back in October, 2023. Couvillion only learned of the existence of this critical document after Mr. Watson testified about it during his deposition. Defendants have failed to produce this document now for several months, despite Mr. Watson testifying he requested a copy of it prior to his deposition. Please immediately produce the same, including any other intercompany agreements between the Defendants.

Lastly, Couvillion will be filing a Motion for Leave to amend its Second Verified Complaint to assert additional claims and re-name Torrent Oil, LLC and Nigel Solida as Defendants. Pursuant to the parties' agreement memorialized in their March 23, 2023 Joint Status Report (rec. doc. 31), we will represent that Defendants do not oppose this Motion.

Thanks,
Daniel

<image001.jpg>

Daniel E. Schwank (he/him)
1100 Poydras Street, Suite 3700
New Orleans, LA 70163
504.599.8247 office
504.599.8137 fax

From: Schwank, Daniel <DSchwank@frilot.com>

Sent: Friday, June 28, 2024 3:42 PM

To: Jeb Golinkin <jgolinkin@jlcfirm.com>; Denny, Danica <DDenny@frilot.com>

Cc: Michael Cancienne <mcancienne@jlcfirm.com>

Subject: Re: Couvillion: Depositions, Discovery, Etc.

Jeb,

We're following up with our client to confirm. We still haven't received a copy of the agreements identified during Watson's deposition. Please provide the same.

Thanks,
Daniel

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From: Jeb Golinkin <jgolinkin@jlcfirm.com>
Sent: Thursday, June 27, 2024 4:16:58 PM
To: Schwank, Daniel <DSchwank@frilot.com>; Denny, Danica <DDenny@frilot.com>
Cc: Michael Cancienne <mcancienne@jlcfirm.com>
Subject: Re: Couvillion: Depositions, Discovery, Etc.

Daniel,

Following up on this. Please let me know by EOB tomorrow (if not with specific dates, at least a confirmation that you will present both witnesses). Otherwise, we will go ahead and get Mitch D. subpoenaed and will notice Holvey's deposition.

Thanks,

Jeb

--

Joseph W. Golinkin II
Trial Attorney | Jordan, Lynch & Cancienne PLLC
(o) 713-955-4019 | (c) 832-250-6567
1980 Post Oak Blvd., Suite 2300 Houston, Texas 77056
www.jlcfirm.com | [Attorney Biography](#)
<image002.png>

From: Jeb Golinkin <jgolinkin@jlcfirm.com>
Date: Friday, May 24, 2024 at 12:56 PM
To: "Schwank, Daniel" <DSchwank@frilot.com>, "ddenny@frilot.com" <DDenny@frilot.com>
Cc: Michael Cancienne <mcancienne@jlcfirm.com>
Subject: Couvillion: Depositions, Discovery, Etc.

Daniel,

It was great to meet you in person earlier this week. In addition to the topics of my Tuesday evening (ok, very light night) email, two requests:

1. Please provide a few dates when we can depose **Jason Holvey**. We also intend to depose **Mitch Deutrell**. I understand that he no longer works at Couvillion, so please let me know whether you will be representing him in connection with his deposition. If you are repping him, please provide dates. If not, we will go ahead and subpoena him.

2. Please review Couvillion's answers to Interrogatory Nos. 3-5, 8-11, 12, 16, 17 and let me know whether Couvillion will provide more complete answers, or whether it intends to stand on its existing objections. If the latter, I will go ahead and prepare an initial draft of one of those joint letters you are so fond of.

Additionally, although the Court previously sustained WM's objections to certain requests for production related to topics you explored in your depositions, I am having the client pull together some documentation that was discussed during the deposition and I expect to supplement the production sometime next week.

Give me a call if you have any questions, comments, etc.

-Jeb

--

Joseph W. Golinkin II

Trial Attorney | Jordan, Lynch & Cancienne PLLC

(o) 713-955-4019 | (c) 832-250-6567

1980 Post Oak Blvd., Suite 2300 Houston, Texas 77056

www.jlcfirm.com | [Attorney Biography](#)

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Disclaimer

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<August 2, 2024 Notice.pdf>